

APPEAL NO. 031255
FILED JULY 2, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 16, 2003. The hearing officer determined that (1) the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease with a date of injury of _____; and (2) the claimant did not have disability. The claimant appealed these determinations on sufficiency of the evidence grounds. The respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Veronica Lopez-Ruberto
Appeals Judge

CONCURRING OPINION:

The claimant, a school teacher, alleges a mold exposure occupational disease injury. While there was, in fact, mold growth in some rooms of the claimant's workplace, the claimant's residence was also found to contain mold. The claimant had filed a claim and received compensation for the home mold exposure. There was conflicting medical evidence on the linkage between mold exposure and human health risk. The claimant had the burden of proof that she sustained an occupational disease injury due to the work-related mold exposure. The hearing officer determined that the claimant "failed to show an injury resulted from any exposure and . . . that such injury resulted from that exposure."

After reviewing the complained-of determinations, I agree that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, *supra*.

Thomas A. Knapp
Appeals Judge